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Attorneys for Plaintiff  
ACTUATE CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ACTUATE CORPORATION, a Delaware  
corporation,

Plaintiff,

v.

WASHINGTON MUTUAL BANK, a  
Washington corporation,

Defendant.

Case No. C08-2918 SI

**NOTICE OF APPEARANCE AND  
SUBSTITUTION OF COUNSEL FOR  
PLAINTIFF ACTUATE CORPORATION**

Judge: Hon. Judge Susan Illston  
Court Rm.: 10

Complaint Filed: June 11, 2008  
Trial Date: December 7, 2009

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Actuate Corporation hereby substitutes James A. DiBoise, Esq., e-mail jdiboise@wsgr.com, of WILSON SONSINI GOODRICH & ROSATI, Professional Corporation, One Market, Spear Tower, Suite 3300, San Francisco, California 94105, Telephone: (415) 947-2000, Facsimile: (415) 947-2099, in place of Daniel J. Bergeson of Bergeson, LLP, 303 Almaden Blvd., Suite 500, San Jose, California, as its attorney of record in the above-captioned action.

**SUBSTITUTION BASED ON CONSENT**

The undersigned consent to the substitution.

Date: May 29, 2009

ACTUATE CORPORATION

By: /s/ Thomas McKeever  
Thomas McKeever, General Counsel

Date: May 29, 2009

WILSON SONSINI GOODRICH & ROSATI

By: /s/ James A. DiBoise  
James A. DiBoise

Attorneys for Plaintiff  
ACTUATE CORPORATION

Date: May 29, 2009

BERGESON, LLP

By: /s/ Daniel J. Bergeson  
Daniel J. Bergeson

**SO ORDERED.**

Date: \_\_\_\_\_, 2009

By:   
\_\_\_\_\_

THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE

1 I, Charles T. Graves, am the ECF User whose identification and password are being used  
2 to file this NOTICE OF APPEARANCE AND SUBSTITUTION OF COUNSEL FOR PLAINTIFF  
3 ACTUATE CORPORATION. In compliance with General Order 45.X.B, I hereby attest that  
James A. DiBoise, Thomas McKeever and Daniel J. Bergeson have concurred in this filing.

4 Dated: May 29, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

6 By: /s/ Charles T. Graves  
7 Charles T. Graves

8 Attorneys for Plaintiffs  
9 ACTUATE CORPORATION